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ABSTRACT

This newsletter issue provides an analysis of faculty union organizing and agent elections involving the American Association of University Professors, the National Education Association, and the American Federation of Teachers and their local affiliates. Activity levels of independent unions, "no-agent" elections, decertifications, and strikes are also reported. Additional information is presented concerning legislative activity in state legislatures as well as a discussion of the refinement of the Faculty and Non-Faculty Directories that continues to be carried out. It is noted that collective bargaining in higher education remains a viable option for college faculty, and that approximately 30% of the nation's professoriate is covered by collective bargaining agreements. Collective bargaining in higher education, however, has shown evidence of being less adversarial than in previous years and of becoming increasingly a public sector phenomenon. Additionally, collective bargaining litigation appears to have diminished in 1990. There is now a growing awareness of collective bargaining for non-faculty (the number of unions vying for agent status for non-faculty is greater than for faculty), and this non-faculty group coupled with faculty bargaining now constitute a major aspect of the higher education employment relationship. Tables and graphs present trends in faculty bargaining agents and collective bargaining agreements. (GLR)

NEWSLETTER

NATIONAL CENTER FOR THE STUDY OF COLLECTIVE BARGAINING IN HIGHER EDUCATION AND THE PROFESSIONS

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Unionization Among College Faculty-1991

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INTRODUCTION

Collective Bargaining in Higher Education (CBHE) continued to expand in 1990 although the rate of growth remained slight. A total of eight new faculty bargaining agents were elected in colleges and universities bringing the total of certified agents to 474. This represented an increase in agents of 1.7% over the previous year. The number of represented faculty increased by 7,196 to 224,584. All the newly elected agents were at public institutions -- six at community colleges, the remainder at four-year institutions.

This period of growth should be measured in the context of declining or static union membership in virtually every other sector of the economy. Of the nine bargaining agent elections conducted at institutions which heretofore had been unorganized, agents were successful in winning bargaining rights in eight (88.9%). The ratio of agent/"No-Agent" election results remain significant. When one adds the results of "Change in Agent Status" (1) and "Challenge to Agent Status" votes (1) to the total of bargaining agent elections in which "No-Agent" was a possibility, agents were elected in over 90% of all cases. The only election in which "No-Agent" defeated an agent (NEA) occurred at Saint Thomas College, Florida.

The professoriate continues to accept unionization as a means of governing their employment relationship and show no signs of reverting to a pre-bargaining non-union period. Several reasons may account for the continued expansion of faculty collective bargaining. No faculty bargaining units were decertified in 1990, either by voluntary action or the result of Court, NLRB, or other administrative agency rulings. Second, union organizing efforts in a concentrated geographic region, (NEA in Nebraska), have yielded positive membership and agent certifications. Third, although no official agreement exists between the national faculty organizations to remain on the sidelines and not intervene in the organizing efforts of the others, none of the nine 1990 initial agent election ballots included competing agents. Fourth, organizing activities appear to be directed at units of full-time faculty. All elections reported in 1990 addressed bargaining rights for full time faculty. This was the first time this occurred since 1979.

AGENTS ELECTED

All new agents elected represent full-time faculty units. The largest of the new units is at the University of New Hampshire where the AAUP won bargaining rights for a group of over 600 faculty. It is interesting to note that the three faculty components of UNH are now organized, albeit by different bargaining agents -- Franklin Pierce - AFT -- Keene State - NEA -- UNH - AAUP. Five of the eight new agents are concentrated in two states, Nebraska and Ohio, and are the result of intense union organizing in these regions. In virtually each election, the margin of victory for the agent was considered significant. The average unit size for the newly elected agents was approximately 160.

An analysis of faculty union organizing and agent elections follows:

AAUP

The American Association of University Professors was involved in three elections in 1990, winning one and losing two. At the University of New Hampshire, AAUP defeated "No-Agent" 303-249 for bargaining rights for a unit of 603. This is the largest unit of the eight newly organized institutions in 1990. In two challenge to agent status elections, the AAUP unsuccessfully sought bargaining rights at Ferris State University and the University of Detroit/Mercy College. At Ferris State University, the NEA affiliate defeated AAUP and "No-Agent" by a vote of 279-109-26. At the University of Detroit/Mercy College, the NEA affiliate retained bargaining rights for this newly merged institution by a vote of 118-101.

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AFT

The American Federation of Teachers and their local affiliates were involved in five elections. In each, they were victorious. New AFT locals include units at Central Ohio Technical College, Flathead Valley Community College, San Diego Community College Naval Technical Training, Terra Technical College, and Antelope Valley Community College.

At Central Ohio, the AFT won bargaining rights for a unit of 43 by defeating "No-Agent" 26-16. At Flathead Valley, the 238 person unit elected AFT over "No-Agent" by a vote of 78-43. At Terra Technical College, the AFT received all of the votes cast and defeated "No-Agent" 41-0. In a "Change in Agent Status" election at Antelope Valley Community College, the AFT defeated NEA and "No-Agent" by a vote of 141-123-14 for a unit of 360.

NEA

The National Education Association and their affiliates were involved in eight elections; winning five and losing three. Three of the five victories reflect substantial NEA organizing in the state of Nebraska with new NEA bargaining units at Chadron State, Norfolk Community, and Northeast Community College. NEA affiliates defeated "Challenge to Agent Status" at Ferris State University and the University of Detroit/Mercy College. At Chadron, the 75-member unit elected NEA over "No-Agent" 46-2. At Norfolk, the NEA defeated "No-Agent" by a vote of 48-6 for a unit of 54 employees. In an election at Northeast Community College, NEA defeated "No-Agent" 63-14 for bargaining rights for a unit of 77. The NEA affiliate at Ferris State successfully withstood a "Challenge to Agent Status" from both the AAUP and "No-Agent" by a vote of 279-109-26. A similar result occurred at the University of Detroit/Mercy College where the NEA affiliate withstood an AAUP challenge 118-101.

NEA affiliates were unsuccessful in three elections. At Antelope Valley, the AFT successfully challenged the NEA local and "No-Agent" winning bargaining rights for a unit of 360 by a vote of 141-123-14. At the Minnesota State University System, the Inter-Faculty Organization (IFO) voted to disaffiliate from the NEA 860-201. NEA was defeated by "No-Agent" for bargaining rights at St. Thomas University by a vote of 30-13.

INDEPENDENT

Activity among independent unions was modest this past year. In the Minnesota State University System, the IFO/NEA coalition was ended as disaffiliation occurred. The vote to leave the NEA was 860-201. No other elections involving independent unions were reported.

"NO-AGENT" ELECTIONS

"No-Agent" was on the ballot in eleven elections, winning one while losing 10. "No-Agent" was defeated by agents at Central Ohio Technical College, Chadron State, Flathead Valley Community College, Norfolk Community College, Northeast Community College, San Diego Community College Naval Technical Training, Terra Technical College and the University of New Hampshire. "No-Agent" also lost a "Change of Agent Status" election at Antelope Valley and a "Challenge to Agent Status" election at Ferris State University.

At St. Thomas University in Florida, "No-Agent" defeated the NEA affiliate, United Faculty of Florida, by a vote of 30-13. The St. Thomas election is unique in that the parties had litigated the Yeshiva question before the NLRB. The Regional Director of the NLRB (Region 12/Tampa, Florida), held that the faculty were managerial; however, that decision was reversed by the Board (See 298 NLRB 32). An election was ordered with the aforementioned results noted.

DECERTIFICATIONS

There were no reported faculty bargaining agent decertifications in 1990.

STRIKES

There were five reported faculty strikes in the fall of 1990. All strikes were repeat strikes and involved institutions where faculty had previously struck. The mean length for strikes was 12 days. The independent local at Temple University engaged in a 29-day work stoppage. The NEA local at Shawnee State University struck for 14 days. Three AAUP units were involved in work stoppages. At Union County College, the faculty struck for one day. At Wayne State University, the strike lasted three days. In perhaps the most significant strike of all, faculty at the University of Bridgeport struck with the majority of strikers ultimately being permanently replaced. The Bridgeport strike was

tabulated for statistical purposes at 15 days, the time period from the commencement of the strike until eligibility for state unemployment compensation was declared. For further information, see Newsletter, Vol. 18, No. 4.

LEGISLATION

Although legislation was introduced in several state legislatures, no higher education collective bargaining bill was enacted during 1990. Collective bargaining legislation, either in the form of a comprehensive law, executive order or, governing board policy exists in 33 states plus the District of Columbia. In those states without enablinglegislation,the parties are free to voluntarily negotiate a collective bargaining agreement, however, they must do so without statutory protection. For a complete listing of all faculty collective bargaining legislation, see Directory, Table No. 16.

FIRST CONTRACT SIGNED

Three "first contracts" were signed in 1990. The AAUP affiliate at Cincinnati Technical College, a unit of 131, organized in 1989, signed a three-year agreement. At Santa Rosa Junior College, the 1,170 person independent unit, organized in 1989, signed their initial agreement. At Feather River College, the AFT affiliate, unionized in 1989, signed a three-year agreement covering 29 full-time and 58 part-time members.

DEMOGRAPHIC ANALYSIS

Continuing a process begun with Volume 16 of the Directory, we are refining our faculty contract and agent database by deleting support staff, professional staff, administrators, medical personnel, and other bargaining units that are better suited for inclusion in our new Non-Faculty Directory. Our primary purpose is to ensure that the Faculty Directory contains teaching faculty and not administrative and support staff. In 1990, (Volume 16), 19 of these units, reflecting a total of 2,512 individuals, were removed from the Faculty Directory. This year 16 administrative and support staff units were deleted. The elimination of these 35 units does not reflect a decrease in faculty collective bargaining but constitutes a reclassification of units and directories. Units removed from Volume 17 of the Directory are cited in Table 18. Approximately 2,500 employees are included in this change. Table 18 also includes the adjusted databases reflecting the 1990 Directory.

It is the intent of the Center to continue to refine the faculty Directory and to expand the Non-Faculty Directory. The number of college faculty currently represented by certified bargaining agents is estimated at 224,584. This number is based on institutional self-reporting and while we believe that it is reasonably accurate, several compilation questions should be noted.

Set forth below are difficulties that we have identified in previous Directories.

1. Collective bargaining units are not generally categorized according to number of employees but instead, are comprised mainly of job titles. For example, a bargaining unit certificate might state that all instructors are to be included without specifying a total. Therefore, with a fluid number there is no way of knowing the exact unit size without an up-to-date semester accounting by an institution's personnel or labor relations department.

2. The number of adjunct faculty is enrollment driven and, as a result, widespread fluctuations may occur in any given semester. Since many units are comprised of full-time and adjunct faculty, without constant revision there is no one number that is valid for each semester.

3. There is no one generally accepted number of teaching faculty in the United States. While several government agencies attempt to tabulate this information, substantial time lags exist between data gathering and publication.

4. Faculty unions are frequently involved in varying coalitions and alliances and may be included in membership statistics of more than one group. Since both parent organizations claim membership credit, the total number of union members may exceed that of individual locals.

An increase of 7,196 faculty members represented by collective bargaining agents were reported in the 1991 Directory. This represented an adjustment of 3.3%. Not all of this increase can be attributed to growth and the number of represented

(continued on p. 6)

SUMMARY OF ELECTIONS - 1990

A. AGENTS ELECTED

Institution	State	Unit Size	Vote	Agent Elected	2/4 Year College
Central Ohio Technical College	OH	43	AFT 26 N-Agt 16	AFT	2
Chadron State	NE	75	NEA 46 N-Agt 2	NSEA/NEA	4
Flathead Valley Community College	MT	238	AFT 78 N-Agt 43	AFT	2
Norfolk Community College	NE	54	NEA 48 N-Agt 6	NSEA/NEA	2
Northeast Community College	NE	77	NEA 63 N-Agt 14	NSEA/NEA	2
San Diego Community College Naval Technical Training	CA	158	AFT 135 N-Agt 7	AFT	2
Terra Technical College	OH	50	AFT 41 N-Agt 0	AFT	2
University of New Hampshire	NH	603	AAUP 303 N-Agt 249	AAUP	4

B. CHANGE IN AGENT STATUS

Institution	State	Unit Size	Vote	New Agent	Former Agent	2/4 Year College
Antelope Valley Community College	CA	360	AFT 141 NEA 123 N-Agt 14	AFT	NEA	2
Minnesota State University System	MN	2,250	IFO 860 NEA 201	IFO	NEA/IFO/MEA	4

C. CHALLENGE TO AGENT STATUS

Institution	State	Unit Size	Vote	Challenging Agent	2/4 Year College
Ferris State University	MI	517	NEA 279 AAUP 109 N-Agt 26	AAUP	4
*University of Detroit/ Mercy College	MI	206	NEA 118 AAUP 101	AAUP	4

D. AGENTS DECERTIFIED

There were no reported faculty agents decertified in 1990.

E. NO-AGENT VOTES

Institution	State	Unit Size	Vote	Agent Defeated	2/4 Year College
*St. Thomas University	FL	---	N-Agt 30 NEA 13	N-Agt	4

F. FIRST CONTRACTS SIGNED

Institution	State	Unit Size	Agent	Contract Expiration	2/4 Year College
Feather River College	CA	87	AFT	6/30/93	2
Santa Rosa Junior College	CA	1,104	Ind.		2
Cincinnati Technical College	OH	131	AAUP	8/31/93	2

faculty. Each year as we continue to survey organized colleges and universities, we identify units organized in prior years that were not included in previous Directories. When this occurs, we add them to the current count but make no attempt to back date the information to the year when faculty unionization first occurred at a specific institution. Therefore, the increase in represented faculty in any given year exceeds the numbers organized in the instant year.

The Directory includes data pertaining to collective bargaining in Canada; however, for demographic analysis purposes only United States institutions are included.

SUMMARY AND CONCLUSIONS

Collective bargaining in higher education remains a viable option for college faculty to participate in and regulate both the terms and conditions of their employment relationship and participate in institutional self-governance. At a time when unionization continues to decrease and is now estimated at approximately 17% of the work force, the number of represented faculty continues to increase. Approximately 30% of the nation's professorate is covered by collective bargaining agreements with new organizing drives reported.

There are now 460 recognized faculty bargaining agents covering faculty at 989 campuses. (See Directory Tables One, Two, Nine and Ten).

Notwithstanding the situation at the University of Bridgeport, there is evidence that CBHE has become somewhat less adversarial than in previous years. At institutions with first-time collective bargaining elections, the intensity and extent of "No-Agent" campaigns appear to have lessened. Although difficult to document cooperation between faculty agents appears to have stabilized. No inter-agent competition was noted in faculty unit elections for campuses which previously had not been organized. This marks the first time since 1983 that bargaining agents did not compete with each other in either the "Agents Elected" or "No-Agent" categories. There were only two reported "Change in Agent Status" elections and two "Challenge to Agent Status" elections. This is also indicative of a relaxation of the tendency of bargaining agents to challenge each other instead of attempting to organize the unorganized.

Collective bargaining litigation appears to have diminished in 1990. The continued decline of private sector organizing limited Yeshiva challenges to cases already in the "pipeline". The only reported unionization activities at private institutions occurred at St. Thomas University in Florida where the faculty, after having received a favorable Yeshiva determination voted "No-Agent" and at the University of Detroit where a merger with Mercy College necessitated a unit election between the two faculties.

As collective bargaining in higher education completes its first year of a new decade, it is apparent that the process has become evermore a public sector phenomenon. CBHE is now considered to be a mature process and widely accepted in the higher education community. Once organized, faculty continue to bargain collectively and show little evidence of reverting to a pre-bargaining position. As measured by the research and frequency of articles, the critics of CBHE appear to be somewhat less active. While it was quite common to note numerous articles criticizing CBHE and predicting dire consequences for unionization, these critiques have lessened.

There is now a growing awareness of collective bargaining for non-faculty and support staff personnel and that group, coupled with faculty bargaining, constitute a major aspect of the higher education employment relationship. Unlike faculty bargaining there are major organizing drives underway to represent administrative and support staff personnel at private colleges. The number of unions vying for agent certification status is far greater for non-faculty than faculty. Included in this group are traditional trade unions seeking to expand their membership base, as well as independent groups at local campuses. These efforts and the accompanying results will be reported in the Non-Faculty Directory.

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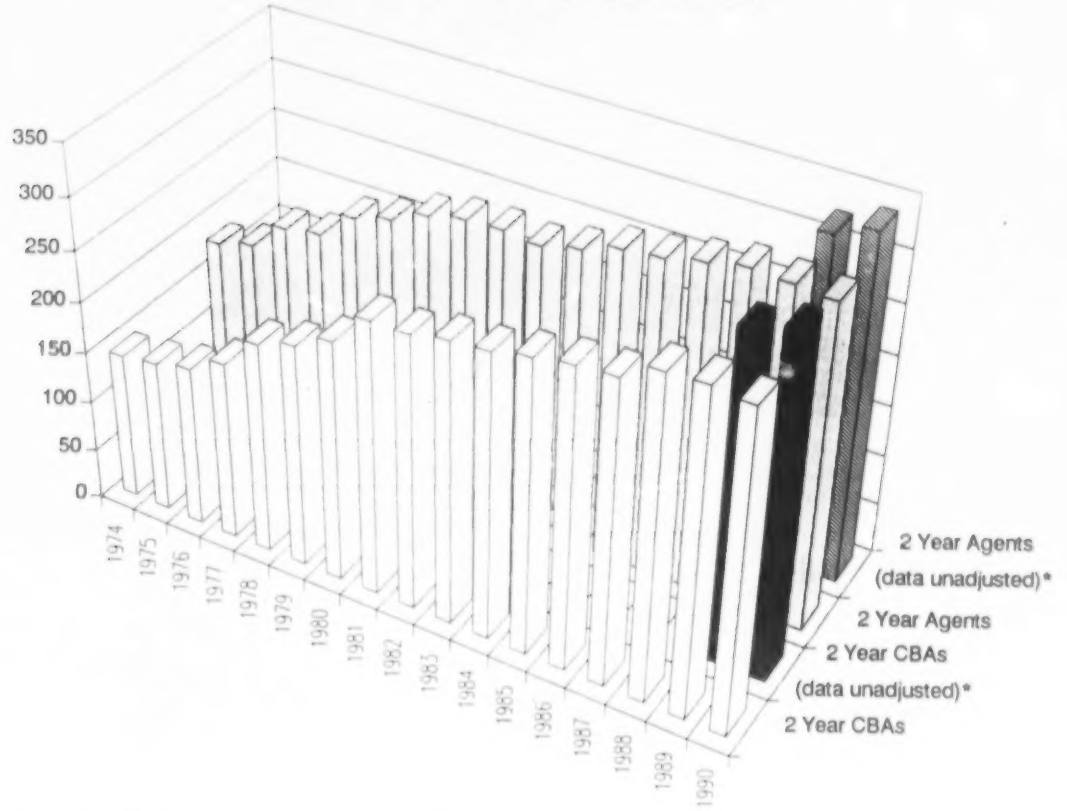
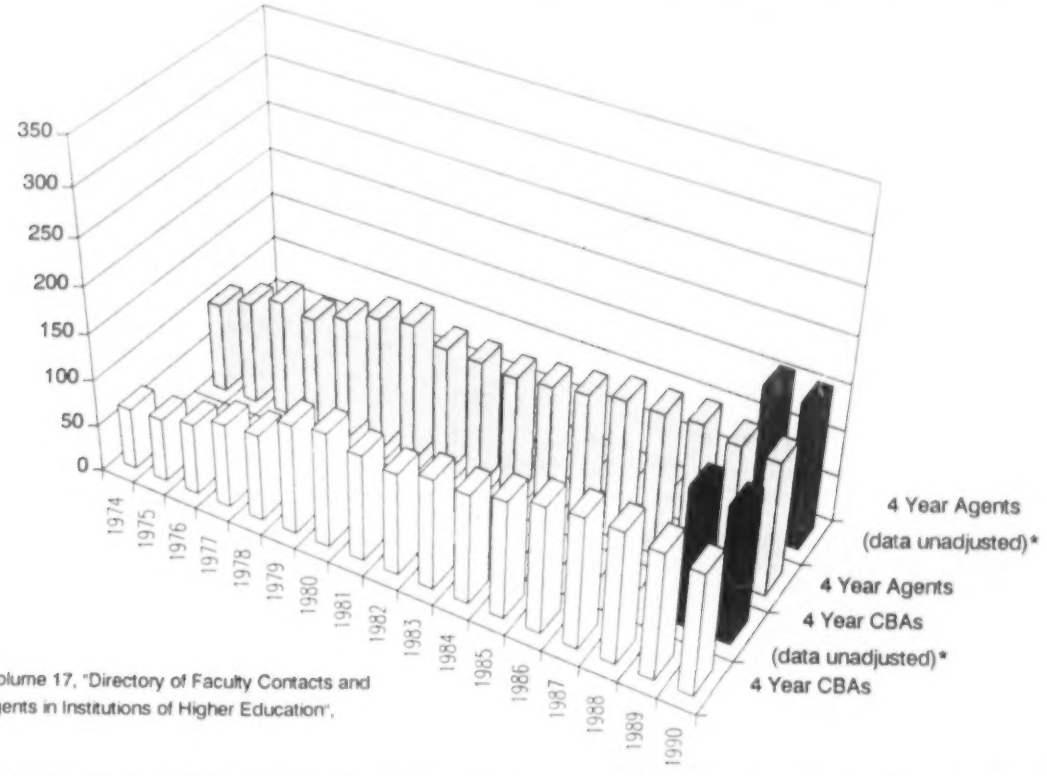
Table One
Faculty Bargaining Agents and Collective Bargaining Agreements
In Two- and Four-Year Institutions, 1974-1990





*Note: See Volume 17, "Directory of Faculty Contacts and Bargaining Agents in Institutions of Higher Education", Table 18

Table Two

The Distribution of Faculty Unionization by Two- and Four-Year Campuses, 1991